

EXHIBIT B

IN THE SUPREME COURT OF THE
UNITED STATES OF AMERICA

Jamie Edelkind-plaintiff	/	Supreme Court Original Act	1:
v	/	(Article III Jurisdiction)	
Morris E. Lasker	/		
The United States of America	/		
The United States Congress	/		
The US Department of Justice	/	Plaintiffs:	
The US Attorney General	/		
The US District Court, Ma.	/	Brief in Support of Plaintiff	Es
AUSA - Paul Levenson	/	Motion for Leave to File a	Original
US attorney- Michael Sullivan	/	Action, Pursuant to Article	III
defendants	/	of the U.S. Constitution	
	/		
	/		
	/		
	/		

PLAINTIFFS BRIEF IN SUPPORT OF PLAINTIFFS MOTION FOR LEAVE TO FILE AN
ORIGINAL ACTION PURSUANT TO ARTICLE III OF THE U.S. CONSTITUTION

The Plaintiff in the above captioned case, is a natural person over 21 years of age, and a citizen of the United States since birth, and submits this his brief in support of his petition for leave to file. Pursuant to Article III cl2 of the U.S. Constitution, the Plaintiff petitions the court for permission to proceed in this action as a matter of Constitutional right. Plaintiff asserts that there is no alternative jurisdiction or venue that can hear the sundried issues and adjudicate the merits and enforce any potential judgment or finding.

The language of Article III cl2 extends the Supreme Courts original Jurisdiction only to "cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party..." The Plaintiff avers that no other court has jurisdiction or can hear the matters as to all joined defendants. Even if certain of the matters involving certain defendants could be alternatively adjudicated, the matters, as a whole, require that the defendants are irrevocably intertwined in this action.

PARTIES:

1. Defendant Morris E. Lasker is currently a U.S. Federal District Judge, sitting as a judicial official in the U.S. District Court for the District of Massachusetts. Defendant Lasker is a presidential appointee

as Judge, save for possible impeachment by Congress for violation of his "good behaviour," and is by definition a "public minister" under oath to follow the law and the Constitution as well as a Judge. His duties are to oversee and administer and assume the role of Judge of fact, as a judicial officer pursuant ^Sto his oath to uphold the Constitution and laws and concepts of Justice and fairness. His duties are therefore both ministerial and Judicial in nature.

2. Defendant, the United States of America, hereinafter "USA", is a sovereign government, and is an indispensable party to this action. The Defendant USA may be served by delivering the pleadings upon the person of the United States Attorney General at his office in Washington D.C. The Defendant USA is a legally constituted government existing pursuant to a concordance of precepts^S and doctrines captioned the Constitution of the United States of America as ratified^a by the several states and by a republican process of it's citizenary. Defendant USA is the singular entity that over-arches and provides the color of law to all other defendants. Incumbent upon and to Defendant USA's responsibility ~~thereupon~~, is a duty of ensuring that all of it's representatives, public ministers, officials, employees etc. conduct themselves in like accordance with Constitutional, statutory^S and regulatory law and otherwise as comported legally thereof. The failure of Defendant USA either willfully or through negligence to self-police it's administrators or provide fore prerequisite and continuing qualification and oversight, is simply anarchy and unlawful. Defendant USA is the singular and exclusive government of the people of the United States. It exists solely at the defence and will of it's populace and solely for so long as it upholds the principals of the Constitution of the United States. A willful departure, by Defendant USA, by intransigent refusal to abide by such principals is treasonous and requires stern punishment^S including injunction, fine, and possible dissolutionment if corrective

remedies are unavailing. Defendant USA has continually engaged in a systematic policy of self perpetuation and enlargement of Governmental control and departure from the precepts of strict doctrine of Constitutional Supremacy, throughout the existence of the republic. However, in recent years the corpus of Defendant USA has enlarged at a rate inconsistent with the growth and breadth of the populace. As such, Defendant USA has substituted it's progressive health and expansion as a principal reason for it's own existence over that chartered by the people in the US Constitution. The symptoms of this unchecked growth in stature and power is a result as well as a tautological cause of the extreme and unrestrained powers bestowed upon it's ministers. As such, Defendant USA has operated outside any color of law and has foregone any immunity from liability or prosecution of this action.

3. Defendant, the United states Congress, hereinafter "Congress" is a body composed of public ministers. Defendant Congress is established by Article I of the U.S. Constitution and is composed of a Senate and House of Representatives. Clause 8 of this article, vests Congress "to constitute tribunals inferior to the Supreme Court," as well as "to make all Laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any Department or officer therein." Also, "to make rules for the Government and Regulation of the land and Naval forces." Defendant Congress may be served by delivery upon the Attorney General for the United States or by a Special Counsel, thereby appointed, if a conflict of interest between the Defendants is non-waived, the pleadings in this action. Defendant Congress is the legislative body vested with impeachment powers over Defendant Lasker as well as the promulgator of the inferior court over which Defendant Lasker presides, as well as the promulgator for laws that as a Public Minister Lasker must seek to

being constitutionally legal and therefore contains the requisite authority QED. Furthermore, Defendant Congress is a ministerial body composed of elected Public Ministers from the "Several States", and organized into the Senate and House of Representatives. At the time of the drafting of the the U.S. Constitution, the framers used the Magna Carta, and English law doctrine. The term "minister" flows from such language and encompasses both appointed and elected officials that serve the public in policy, legislative, executive, and judicial capacities without exception. A narrowing of this interpretation is improper and only seeks to circumvent the Constitutional reach.

4. Defendant, the United States Department of Justice, Hereinafter "DOJ", is the administrative body that employs and manages Defendant's Paul Levenson and Michael J. Sullivan. Established under the imprimatur of Defendant Congress, they may be served by courtesy of process upon the Attorney General for the United States. The DOJ maintains control and oversight over its many employees and to the extent such oversight or policy of management is deficient and supports the findings that the policies or procedures are unlawful or unconstitutional they are liable as defendants in this action.

5. Defendant, the Attorney General for the United States, Hereinafter "USAG" is a public Minister approved and vested with lawful duties assigned by Congress to advise, regulate, oversee certain policies and administer that part of the judicial process as defined by Congress in accordance with Constitutional, statute, and common law. In addition, the USAG sets standards and mandates for the enforcement and prosecution of statutory laws. The USAG is directly responsible for the official conduct sanctioned by the DOJ, as well as oversight to prevent ex-officio conduct by employed or appointed ministers or representatives.

6. Defendant, Paul Levenson, Hereinafter "Levenson," is an assistant

US Attorney employed by the DOJ and is not a public minister. However, as he is the agent and interactive arm of a public minister and is in fact a necessary Defendant in this action, it would be inadvisable and improper to sever him as the facts and allegations in this action directly involve him in both his personal and official capacity. Levenson is a natural person over 21 and may be served at his office of employment, the office of the US Attorney, Michael J. Sullivan.

7. Defendant the United States Attorney, Michael J. Sullivan, hereinafter "Sullivan" is a public minister that employs, sets standards, promulgates behavior, enforces mandates, and makes ad-hoc ^eexparte prosecutorial decisions as to, if, when and how to prosecute defendants in the First Federal District. Defendant Sullivan is responsible for the lawful execution of duties of his direct employees comprised by the staff of Assistant US Attorneys and ancillary supportive staffing. Defendant Sullivan's ministerial duties are prescribed by the Defendant USAG, and by applicable statutory ^rmandate. However, day to day oversight ~~is~~ a personal duty of Defendant Sullivan in his official ^{capacity} role. Further, where Defendant Sullivan finds a deviation from Constitutional, statute or common law, his oath and duty foreclose the option of ignoring or misconstruing the error, even if such error benefits the goals of his office. As such, Sullivan's oath of office militate towards assuring his status as a Public Minister. Sullivan may be served upon his person at his office.

8. ~~Defendant United States District Court, District of Massachusetts,~~ hereinafter "USDCM" is an entity established by congress and administered by Chief Judge William G. Young. While not a minister, the USDCM is a necessary party in this action ~~as~~ ^{he} it sets ~~ten~~ local rules, immediate oversight, and monitors the "good behavior" and standards of its constituent Judges and staff. To the extent that excess's and improper rules are promulgated or allowed to exist, the USDCM self-regulates and is immediately responsible. The failure of the USDCM to police itself in these areas suggests, and is ^{herein} alleged required,

by service upon William G. Young, Chief Judge of the USDCM.

BASIS OF ACTION:

9. Plaintiff alleges that the system of lifetime appointments of Federal Judges violates Article I cl9 (p8) of the US Constitution, which proscribes the granting of any "...Title of Nobility by the United States:" The Plaintiff asserts that the lifetime appointment of any person to a position of liege power, absent oversight, is tantamount to a title of Nobility and is an abomination to the Constitutional Mandate. The appointment of judges is permitted pursuant to Article III cl2 (p2) as public ministers, save for Supreme court judges which are distinguished. However, Article III states that "The judges, both of the Supreme Court and inferior courts, shall hold their offices during good behavior..." This concept is not intended to denote a lifetime appointment as currently implemented. Rather it was ^{designed} to remove the political pressures upon judges as a condition of their continued service. The issue though, is the standard of "good behaviour." The Plaintiff asserts that it must include competency, ~~and~~ ^{and} comportment and willingness to carry out the duties of office; not just avoiding conduct that is criminal or otherwise "bad" as an opposition to good behavior. The operative word is "during" in the excerpt. This infers that a limited term of service is not proscribed but that during any ~~term~~ of service, they, the judges, must conduct themselves within the law and oath of office. Plaintiff alleges ^{that} Defendant Lasker is incompetent, without oversight and unable and unwilling to exercise his sworn duties. The fault of which is his, as well as of the other defendants. The consequence is that the myriad constitutional rights of the Plaintiff were abrogated. The plaintiff is not sympathetic, nor should this court be, to the fact that the Defendant Lasker is a frail, elderly man. His duties as a public minister are paramount and take precedence over his feelings. He has violated his oath of office and every moment he remains as judge puts the public in jeopardy. No greater menace has society then that of unrestrained power. Defendant Lasker has demonstrated

mandate, and his oath of office. The Plaintiff believes ⁶tht this is a symptom of an aged and infirm solo judiciary. This is distinguishd ⁹ from the form ²judicia construction of the Appellate and the Supreme Court.

10. Plaintiff alleges that ministerial Due ⁹Process requirements as codefied ⁶by the Rules and statutes of the Federal Courts are being steadfastly disregard, by the Defendants. Plaintiff alleges that ⁹th~~ise~~ are violations of the 4th, 5th, 6th, and 14th amendments to the ⁹Constituion and that the court records will demonstrate that the defendants willfully and ⁹wih ²acknowledgment manouver around any statutory impediment ⁹to ensure compliance to due process. Plaintiff avers ⁹tant the lack of oversight has allowed for a near complete erosion of this ⁹Constituional principal. The primary and underlying reason, ⁹for this judicia permitted largesse, is the superposition of the Judges personal bias and feelings as a substitute for the rule of law.

11. Plaintiff alleges ⁹tant ⁹his is improperly incarcerated due to the illegal conduct of the defendants. His relief ⁹as to freedom is being properly sought, ⁹in the appellate court, for the improper ministrations of judicial process. However, the ⁹Plaintiff seeks equitable and injuctive relief in this court to circumscribe the continued flaunting and disregard of the laws of the land by ⁹tan ⁹defendants, and to declare the current laws, as written, regarding lifetim sinecure, and term of office, unconstitutional.

12. In anticipation ⁹of the argument that "public ministers" "manifestly... refers to diplomatic and consular representatives accredited to the US by Foreign powers not to those representing this country abroad" (ex-parte Gruber, 46 S.ct 112, 269 U.S. 302) the ⁹Plaintiff asserts that this is a singular interpretat that can be constructively harmonized with the black letter reading of ⁹Arti⁹ze⁹ III c12 of the Constitution. In pertinent part, it states "The supreme court shall have original jurisdiction to all cases affecting ambassadors, other public ministers and Consuls." It is apparent that if original jurisdiction was to be exclusively for representatives of Foreign Sovereigns or Governments,

construction is evident. In fact, since diplomatic immunity extends to registered representatives of consular, or ambassador or similar status, it would appear that virtually no circumstances would allow for an original jurisdiction action, ^{is supported} ~~is constructed~~. Plaintiff asserts ^{as} ~~that~~ this ⁺ ~~Constitutional~~ provision recognizes the brevity of venue available for public ministers of US origin in the US, and provides a singular forum for a hearing for injunctive, equitable and criminal sanctions. Further, notwithstanding putative statutory provision of 28 U.S.C. § 1251 which encompasses a notion of foreign representation conjunctively constructed with the constitutional term "⁺Public Ministers," The supremacy clause, Article VI cl2, of the constitution gives first precedent and priority to the ~~Constitution~~ and then to the law of the land, in that order. In other ⁺ ~~words~~, if a reading of the ~~Constitutional~~ provision provides an alternative ⁺ ~~maning~~ over that enunciated in statutory law, then the ~~Constitutional~~ provision controls. Also, when statute putatively enacts ⁺ ~~a~~ provision of the Constitution, any application of its enactment must be no broader or narrower than that expressed by the ~~Constitution~~. To the extent that any party seeks a more narrow and ~~conservative~~ interpretation; The ~~Plaintiff~~ relies on U.S. ⁺ ~~V~~ ~~Classic~~ et al, (313 U.S. 299, 61 S.Ct 1031) "to permit it's basic concepts to grow with the ⁺ ~~ievitable~~ growth and ⁺ ~~complexities~~ of an expanding civilization. The ~~Plaintiff~~, in addition to the ⁺ ~~previous~~ arguments, notes that Article III cl2 also vests the original jurisdiction of the Supreme Courts "to controversies to which the United States shall be a party." It is beyond dispute that the singular entity that over-arches all defendants is the United States of America as in-personam ⁺ ~~represented~~ by the various persons and entities of the Defendants ~~et al~~. In essence, an action against the herein captioned Defendants is also a defacto action against the United States. The purpose of stating various defendants with specificity is to put them on notice individually for their actions and inactions and consequences thereof. But, moreover each and every Defendant is either an employee or an official or both of the United States. Also, to the extent their actions are claimed to be under

an indispensable defendant. Plaintiff continues in his assertion that the issues of significant Constitutional defilement and meretricious acts by the defendants in violation of ^{of} statutory law and Constitutional law, are made famative primarily by the erosion of Constitutional aegis and guarantees by the general policies of the United states. Despite putative separation of powers between the Executive, Legislative and Judicial branches, the Plaintiff notes that the commonality of purpose, and the interdependence of these three branches has blurred the line separating these branches. For example, a legislative body, the U.S. Sentencing Commission, has as it's constituent members two members of the judiciary. Also, despite the lack of purported prerequisite accumen, the Executive branch has failed to appoint any none lawyer to a judgeship or impose a standard of continuing education, term limit, or review upon any sitting judge. Further, the legislative branch, continues to reward the Judicial branch with sinecure increases 2-3 times the rate of inflation. This is done absent public acclaim whatsoever. Additionally, the recent re-introduction of the meretricious law titled "the Patriot Act" which is in clear violation of the 1st, 4th, 5th, and other provisions of the constitution, required the debased acquiescence of the Judicial branch in order to permit the executive and legislative branch to, in peacetime, abridge, by law, so much of the fundamental rights that the framers of the Constitution felt were worth dying to preserve and promulgate. These are by way of example and do not constitute the scope of cooperation between the branches.

These actions required the active or at least the quiescent participation of the various branches of the U.S. Government and Q.E.D. that as the issues herein, of Due Process rights et al, as related to the instant action too are so compromised, a suit against the individual defendants inescapably requires the United States as a Defendant as well.

As the allegation ^{suggest} that the defendants operated outside color of law is a basis for the instant action; The plaintiff asserts that any immunity fails as a matter of law. Immunity that is not Sovereign in nature, cannot bear the scrutiny of a populace accorded Constitutional protections. If Consti-

Sovereign immunity removes any checks against a totalitarian state. Absent due process of law to address the maligning of individual rights guaranteed by the Constitution, society has no protection available at law. Should this be in fact the case, a Marxist revolution would be the only resort of a disenfranchised society. Assuming that such anarchy is undesirable, the law of Supremacy of the Constitution does clearly establish that it is an undisputed and inalienable right of the Plaintiff to bring this action against the Defendants as sustainable as an original Jurisdiction matter before this court.

13. As of 2002 there were 9 U.S. Supreme Court Justices, 179 Appeals Court Judges and 636 District Court Judges. All 824 of these positions are filled by appointment by the President of the United States. These appointments are ratified by Congress without any statutory or otherwise qualifications as to the nominees ability whatsoever. These appointments are lifetime in term and the sole condition imposed is that of "good behaviour." The Supreme Court Justices serve pursuant to Article II cl2 and Article III cl1 which requires the establishment of a Supreme Court. However, it is 28 U.S.C. §1 which sets the number of Justices to be 1 chief Justice and 8 associate Justices for a total of 9. The appointment of which, by the President, with advice and counsel of the Senate is provided by Article II cl.2 of the U.S. Constitution. The sinecure for the Justices is provided by statute 28 U.S.C. §4 which fixes the Chief Justices current sinecure at approximately \$205,000.00 annually and the associate Justices at approximately \$200,000.00 annually. The 179 Judges of the Appeals court are also appointed by the president pursuant to 28 U.S.C. §44(a) the procedure being identical to that for Supreme Court Justices. The sinecure for the judges is controlled by §(d) and is \$175,000.00. The 636 Judges of the District courts are also appointed by the President pursuant to 28 U.S.C. §135 and is currently \$165,000.00 annually.

14. The Plaintiff suggests, and pleads that the statutory powers granted to a Judge, sinecured for life, in office for ONLY "good Behaviour" is clearly

of The U.S. Constitution. As such, ~~the establishment~~ ^{is currently permitted by statute,}
~~permitted~~ is an abomination to Constitutional mandate and must be modified
 to extinguish the ~~infact~~ ⁱⁿ fact or inferred insular omnipotence of this ruling caste.
 The Plaintiff seeks a hearing on the merits of this argument related not only
 to the individual activities related to his own person, but to the very system
 that permits it in the first instance.

15. In support of his arguments the Plaintiff suggests the following:

Nobility as defined in both Encyclopedic and Dictionary sources is
 a caste, rank, or class of society that by birth or appointment, is distinguished
 from all lower classes in societies own estimation. Typically, a title of Nobility
 is in perpetuity and may be accompanied by sinecure, authority and Liege responsibilities.
 Also, special immunities and privileges are typically accompanied alongside
 a honorific such as - Sir, Your Highness, Your Eminence, Your Honor. A distinction
 from a personal earned honorific such as Doctor and professor which are professional
 titles. A title of Nobility denotes a class distinction, not one of pure accumulation.
 Further, professional titles do not encompass liege matters or sinecure as does
 a title of Nobility. It is undisputed that Monarchies dispense titles as both
 a Royal acclamation of recognition as well as by prerogative. The Constitution
 of the United States specifically proscribes the dispensation of any title
 of Nobility. Article I cl9 (p8) clearly states that "No title of Nobility shall
 be granted by the United States." Yet in several instances this is violated
 as a matter of fact and law. Specifically, Federal Judges enjoy the special
 apportionment of liege lords in their lifelong sinecured capacity. This is
 specifically prohibited and proscribed by the U.S. Constitution.

16. The Constitution in Article III cl1 gives Congress the duty and the
 right to, from time to time, ordain and establish courts inferior to the Supreme
 Court. Further, the Judges of both the Supreme and Inferior courts shall hold
 their offices during good behaviour and shall, at stated times receive for
 their SERVICES, a compensation, which shall not be diminished during their
 CONTINUANCE in office." (emphasis added) Notwithstanding the constitutional

mandates, Congress has passed several statutes governing Judges that are contrary to the U.S. Constitutional direction and mandate. Code 28 U.S.C. § 372 contrary to Article IV cl 1 provides a lifetime sinecure of full compensation to a judge who has served ten or more years and in the alternative a one half compensation for the service of any time at all. Further, such sinecure can not be repealed save for the death of the judge or justice.

Also, the Constitution does not state that any judge may be appointed for life, rather it requires that they "shall" hold their office only "during good behavior". This should be read in the conjunctive sense, not the disjunctive. The Constitutional mandate is that a Judge can not be a fair judge if their conduct is reproachable. But, it also does not constrain the mandate to be that the only qualification to maintain office is good behaviour. Such a reading does confer a special class of Nobility upon a judge in violation of the Constitution pursuant to Article I cl 9 (p8). Read conjunctively, a Judge shall serve not only "during good behaviour" but also subject to any appropriate limitations that Congress may statutorially legislate and require. But, in any event, the office may not be permanent with a sinecure as currently established or without any qualification oversight or term limitation, *otherwise it runs a foul of the Nobility doctrine.*

17. Judges maintain their title, salary, and security even after retirement. They operate in a rarefied vacuum of indeterminate competency. Under the aegis of the current system a judge has complete immunity from liability and prosecution while operating under the color of his official office. Also, in private life they enjoy special dispensations that are unavailable to the common man. Judges can not be fired. They can be impeached, by Congress, but even then their title and sinecure is assured. Of the 824 plus some odd sitting sinecured Federal Judges, *and thousands of precedents* conspicuously absent is any historical application of impeachment due to incompetency, mental defect, or otherwise since the establishment of the United States courts by Congress. This does not presuppose that impeachment was not merited from time to time, but rather, shows the failure of a self-administered

U.S. governmental appointments. One receiving such appointment is guaranteed a life time sinecure, immunity from liability and the honor or a reigning class distinction of Nobility.

18. However serious the ministerial and Judicial duties of a sitting Judge, their duties are best carried out by committed educated servants of the people. Not by estranged demi-gods divorced from the realities of the struggling persons they sit in judgment upon. Justice is not an esoteric concept only understood by the elite. It is rather a touch stone of feeling that resonates with statutory law as society's contract with its citizens defines. The Constitution does not require that judges be especially learned, well off, male, white, or otherwise. It solely requires that they conduct themselves with good behavior while serving. The key concept is one of service, not that of reigning as currently implemented and construed. Judges keep "their court" they demand to be called "your honor" they haphazardly and by fiat rule their kingdom in the understanding that, at worst, a member of their Noble class may through a superior seat reverse their decision. But this only occurs after their decision is given "great deference." They are, in any event, not accountable for their decisions rendered in error, by carelessness or malicious intent.

19. Plaintiff proposes that the current system of lifetime appointments is unconstitutional and that the sinecure is a prohibited tithe illegally taxed from the populace. Historically, the Constitution did not pre-suppose that a person aspiring to a Federal Judgeship would be available to give up his life and livelihood to take a position of public service. It was a product of the times that it would be a great and unavoidable hardship to travel and adjudicate matters, and a "servant of the people" would exhaust his mettle and make way for a successor^{in due course}. However, as modern times altered the mien of office, a Judgeship became a career and with the passage of lifetime sinecure, a singular prestige of Noble acclaim. No other public minister or official is accorded the power and deference due a Federal Judge. They remain without mandated

of the Congress. Judges reign over their private fiefdom, "Their Court." They have their entourage of sycophants that include, their clerks (who do the true legal cognitive work of the judge), the baliff's, ~~their~~ secretaries, the prosecutors and defense attorneys and of course the litigants before them. The entourage exists in fact and deference to the lord judge. His whims are catered to, and his idiosynchrosies are accomodated. A typical refrain of a Judge caught in a legal petard from which he fails to seek a just resolution is to "take it up on appeal," thus abdicating any responsibility to their oath of office. Some judges are of very advanced age and infirmity. It is not unheard of a sitting judge to be 90 years of age or more. They are dangerous to drive but not to decide complicated issues of law. While age does not in of itself connote fitness or lack thereof, it is of note that no test ~~for~~ compete is generally administered to ensure that a sitting Judge is capable of conducting his office in accordance to his oath of office and it's requisited duties. Learned Counsel~~y~~ representing litigants are typically much more knowledgeable about the matters before the court, but they take deference to the judge, who in turn relies upon his clerk for the research and analysis. The Judge, in many cases, applies his personal imprima~~tue~~ of justice rather than administerin societies directive of seeking justice through due process of law.

20. Judges routinely fail to follow the rules established and use their judicial discretion to find or not find prejudicial effects as they see appropor ie. The current state of the criminal courtroom is akin to a casino with the odds heavily weighted in favor of the prosecution. This abdication of justice is a direct result of the sinecured concept of lifetime appointments and immunity.

CONCLUSION:

21. The Plaintiff has established that his action is uniquely comported within the original jurisdiction of this Court. Plaintiff also, despite the lack of structural and physical conformity of the pleading, asserts that this action is a a matter of merit subject to and properly brought before this court.

The plaintiff has, pursuant to the rules, by signatory below, established that he has the right to proceed in forma pauperis. This will permit a deferral or waiver, as the court deems appropriate, of the fees and costs of this action. The Plaintiff therefore prays that this Court grant permission to proceed and thereby docket this action. Plaintiff respectfully suggests that the court is bound by the constitution to grant such permission. In addition, the Plaintiff requests the Court permit him the opportunity to rebut any arguments by the defendants as to the proper propounding of this action.

Sworn and submitted, Pro-se

Plaintiff, Jamie Edelkind

Aug 24, 2005